STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE
	SUPERIOR COURT DIVISION
WAKE COUNTY	FILE NO.: 12 CVS <u>01963</u>
THE NORTH CAROLINA STATE BAR,	ANE C
Petitioner	CONSENT ORDER OF 3 5
v.	PRELIMINARY INJUNCTION
SEAN NELSON ROGERS WELLS Attorney,	ID: 57
Respondent	

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Jennifer A. Porter. Respondent, Sean Nelson Rogers Wells, appeared *pro se*. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Petitioner, the North Carolina State Bar ("State Bar"), is a state agency duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
- 2. Respondent, Sean Nelson Rogers Wells ("Wells"), was licensed to practice law in North Carolina in 2006.
- 3. The State Bar's membership database shows the following address for Wells: P.O. Box 659, Swansboro, NC 28584.
- 4. Wells maintained an attorney trust account, account number ending with 0559, at Bank of America.
 - 5. Wells mishandled entrusted funds in his attorney trust account.
 - 6. Wells desires to cooperate with the North Carolina State Bar.
- 7. A need for prompt action exists to ensure that further client funds are not mishandled in the future.

BASED UPON THE FOREGOING FINDINGS, the Court makes the following Conclusions of Law:

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Wells' trust, operating and personal bank accounts and to ensure that no further client funds are mishandled.
- 2. Wells should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to write a check against or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted by subsequent Orders of the court.
- 3. To assist the State Bar's analysis of his trust and operating accounts, Wells should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.
- 4. Wells should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Sean Nelson Rogers Wells is enjoined from accepting any further funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or writing any checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or write a check against any account in which client or fiduciary funds have been deposited until permitted by subsequent orders of the Court.
- 2. Wells, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, shall immediately produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying all of Wells' financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.
- 3. Wells, or any other person having custody or control over records relating to individuals for whom Wells has provided legal services, shall produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying all records and documents including but not limited to, client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of

demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- 4. If Wells does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his trust and operating bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at its Raleigh, North Carolina location, at Wells' expense.
- 5. Wells is hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity.
- 6. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 20th day of February, 2012.

Wake County Superior Court Judge

Presiding

WE CONSENT:

Jennifer A. Porter

Attorney for the Petitioner
The North Carolina State Bar

Sean Nelson Rogers Wells

Respondent